

WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT EUBANKS,

Case No. 1:05-CV-620

Plaintiff,

v.

Hon. Richard Alan Enslen

CITY OF GRAND RAPIDS
and ADAM BAYLIS,

ORDER

Defendants.

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Plaintiff Robert Eubanks, through counsel, has moved for reconsideration and relief from the Judgment entered against him on December 11, 2006. Oral argument is unnecessary in light of the briefing.

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant “demonstrate[s] a palpable defect by which the Court and the parties have been mislead . . . [and] that a different disposition must result from the correction thereof.” Plaintiff’s Motion fails to meet this standard and also the standards for relief under Federal Rule of Civil Procedure 60. In particular, the one-page Motion for Relief from Judgment does not provide any legal argument. It does provide, as an attachment, Plaintiff’s deposition testimony, which was referenced in Plaintiff’s initial briefing, but was not attached. The Motion fails to offer any account of the filing mistake, other than to state, “Somehow the deposition transcript was inadvertently not attached.” (Mot. 1.) The referenced testimony, which was assumed in the earlier Opinion analysis, does not justify amendment of Judgment, even were the filing mistake sufficiently explained.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Robert Eubanks' Motion for Relief from Judgment (Dkt. No. 47) is **DENIED**.

DATED in Kalamazoo, MI:
January 16, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE